

The Honorable Gina McCarthy
Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

2015 AUG 17 PM 1:23

OFFICE OF THE
EXECUTIVE SECRETARY

August 6, 2015

Dear Administrator McCarthy:

Water is our most valuable—and amazingly *undervalued*—resource. While the top concern for many politicians is economic growth, economic growth must not come at the expense of our essential water supplies and integral natural environment; nor at the expense of our children.

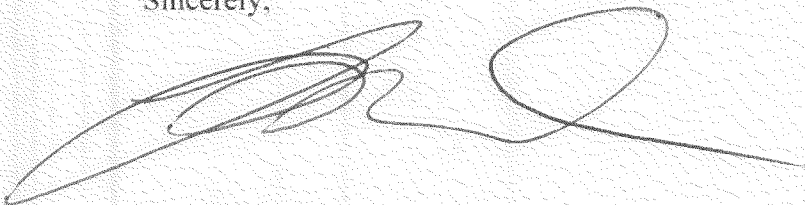
With water issues at the forefront, we—the citizens of Cochise County, AZ—**URGENTLY** need your help in halting Benson, Arizona's grossly irresponsible El Dorado Benson, LLC "Villages at Vigneto" development. This is a **TIME SENSITIVE** issue, as El Dorado and the City of Benson are already moving forward, despite the Army Corps of Engineers reevaluation of its permit.

In 2004 the Environmental Protection Agency officially **OBJECTED** to the Army Corps of Engineers' issuance of the 404 permit for this land *"...because the authorization may result in substantial and unacceptable impacts to aquatic resources of national importance."*

This shortsighted, economy-focused, development promises to take the town's population from ~5,000 to ~70,000 within 20 years, and does not properly consider this desert landscape's limited water resources and its relationship with the fragile and nationally-significant San Pedro River corridor.

Please read the important points on pages 2 and 3 of the enclosed Tucson Audubon Action alert and please use every influence the EPA can muster to revoke the Section 404 permit for "Villages at Vigneto".

Sincerely,



Lizann Michaud

Ex. 6 - Personal Privacy

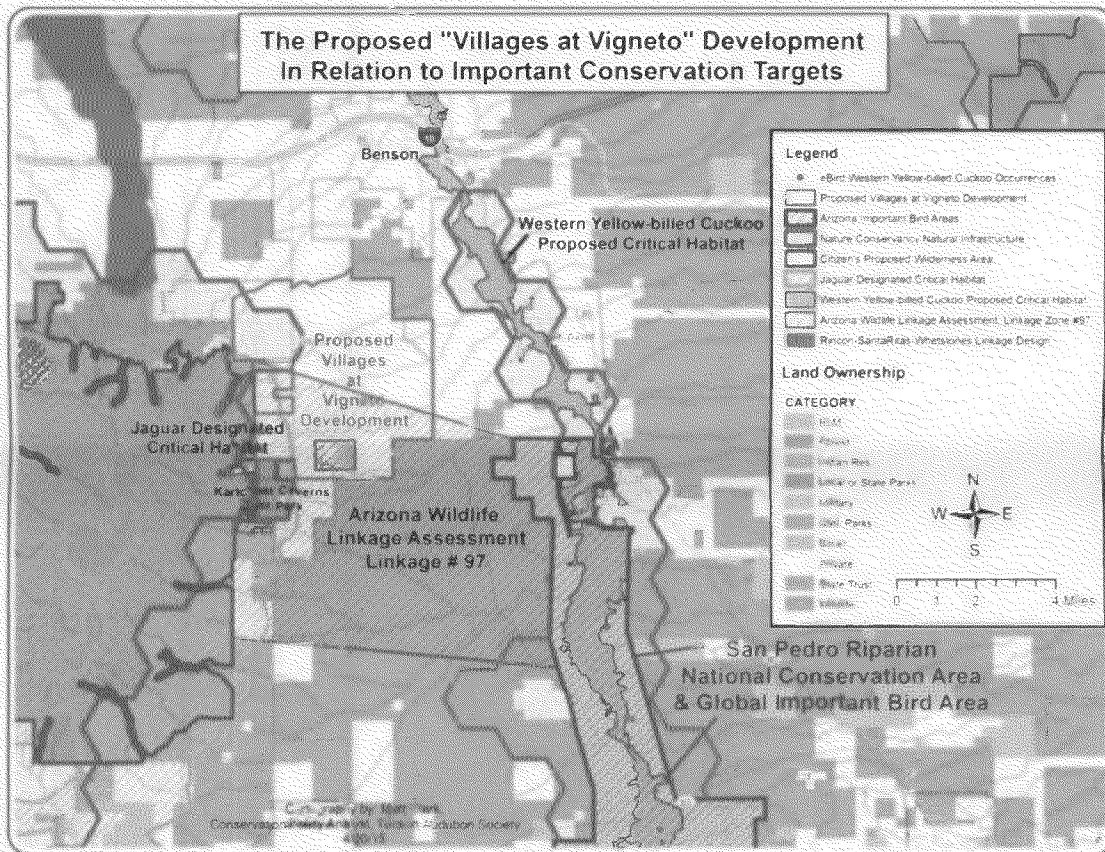


Conservation Action Alert

Call for the Army Corps of Engineers and US Fish & Wildlife Service to Evaluate Impacts of the "Villages at Vigneto" Development

SUMMARY

The Villages at Vigneto ("Vigneto") is a large, Tuscan-inspired development proposed by El Dorado Benson, LLC ("El Dorado") on over 12,000 acres of private land located south of Benson, AZ, pop. 5,100. Vigneto will include 27,760 new homes, commercial developments, golf courses, parks, vineyards, lakes, orchards, resorts, and an extensive road and utility network and is intended to attract up to 70,000 new residents. This population explosion would dramatically impact the environment surrounding Benson, and carries with it the potential to significantly alter the San Pedro river system. The Benson City Council is poised to vote on the final development plan soon, which would pave the way for construction to begin.



Vigneto is located at the base of the Whetstone Mountains (Coronado National Forest), near the **Lower San Pedro River Global Important Bird Area**, the **San Pedro Riparian National Conservation Area (and Global IBA)**, the **St. David Cienega** and the **world-class wet cave system of Kartchner Caverns State Park**. In addition, downstream from Vigneto are numerous important riparian mitigation properties located astride the San Pedro River. The sustainability of these vital conservation areas and tourist destinations relies upon sufficient water quantity and quality.

The Vigneto development proposal has raised serious concerns from local area residents and scientists. Developers indicate they will access water from the deepest of natural aquifers, however one of the primary concerns is that this significant projected increase in ground water pumping would contribute to potable ground water depletion and could ultimately reduce surface water flows in the San Pedro River – **putting the region's birds, biodiversity, downstream water users, and economy at risk.**

BACKGROUND

In its previous incarnation as "Whetstone Ranch," the proposed development was granted zoning but was delayed due to housing and lending crisis in 2007-8. The land was then sold to El Dorado Holdings, Inc. (operating locally as El Dorado Benson, LLC). El Dorado has previously built large, sprawling developments in Maricopa and Pinal Counties in Arizona. Vigneto would be El Dorado's first development in Cochise County.

Some Benson officials have claimed that a near-impermeable clay layer between the river and the section of aquifer where groundwater pumping would occur will prevent the river from being affected by the groundwater pumping necessary to support a development of this magnitude. However, United States Geological Survey (USGS) scientists say that such clay layers do not prevent, but rather merely delay such effects (see: Arizona Daily Star, Budget cuts ended key San Pedro water study, by Tony Davis, April 16, 2015.)

The third part of a three-part USGS water study of the San Pedro Valley, originally scheduled for completion in 2015, was shelved in 2010 due to legislative budget cuts to the Arizona Department of Water Resources. This study would have provided valuable information on the relationship between the shallow aquifer under Vigneto and the San Pedro River's surface flows, as well as predicting the likely impacts of deep groundwater pumping. Given the fundamental importance the hydro-geologic system and the potential impacts of groundwater pumping, many stakeholders are calling for the USGS modeling effort to be resumed, completed, and fully considered before development of Vigneto is permitted to proceed.

The Benson City Council is scheduled to vote on the Vigneto's final development plan as soon as the end of June, 2015, and the majority of the council appears to be in favor of approving the development. Before the development is permitted to proceed, the federal permitting agencies responsible must be engaged to ensure legal compliance and the protection of important natural resources, including our future water supply, critical wildlife habitats and ecosystem services.

Tucson Audubon has reviewed the Clean Water Act (Section 404) permit issued to Whetstone Ranch by the Army Corps of Engineers (ACE) in 2006, one of the criteria used to grant project zoning, and has determined it should be re-evaluated due to changed circumstances, significant objections to the originally authorized activity which were not considered, and particularly pertinent new information. Additionally, in 2004 the Environmental Protection Agency (EPA) officially objected to the ACE's issuance of the 404 permit, "... because the authorization may result in substantial and unacceptable impacts to aquatic resources of national importance." Furthermore, the U.S. Fish and Wildlife Service (USFWS) has not been consulted by El Dorado or the ACE regarding the potential impacts of Vigneto to threatened and endangered species. Therefore, consultation with the USFWS should be initiated in concert with ACE's permit re-evaluation.

TALKING POINTS

- The Villages at Vigneto is new and a different development proposal than Whetstone Ranch. Whetstone Ranch proposed to build up to 20,000 new housing units on 8,000 acres, while Vigneto proposes to build 27,760 housing units on 12,324 acres. Therefore, impacts to jurisdictional waters from this new proposal will be significantly different and should be re-evaluated. The Clean Water Act Section 404 Permit issued to Whetstone Ranch in 2006 (Permit #2003-00826-SDM) is incomplete. The permit should be evaluated for compliance and re-opened to consider changed circumstances and new scientific information that has become available in the past decade.
- The Villages at Vigneto poses a potential threat to an EPA-designated Aquatic Resource of National Importance (ARNI), two Globally Important Bird Areas on the San Pedro River, the BLM-managed San Pedro Riparian National Conservation Area, St. David Cienega, numerous mitigation properties located downstream from Vigneto astride the San Pedro River, and the wet cave system at Kartchner Caverns State Park. The sustainability of these vital conservation areas and tourist destinations rely upon having sufficient water quantity and quality. The effects of Vigneto's water use on the San Pedro River could occur many miles away from where water is being pumped, putting our communities, critical wildlife habitats and significant conservation investments at risk.
- Wildlife dispersal linkages and habitat connectivity were not adequately considered in the analysis for the 2006 Whetstone Ranch Section 404 Permit. The southern half of Vigneto is located in Arizona Wildlife Linkage Zone 97, identified in the Arizona Department of Transportation (ADOT) and Arizona Game and

Fish Department's (AzGFD) 2006 Arizona Wildlife Linkages Assessment. Both the endangered jaguar and ocelot are identified as focal species for this linkage. In addition, the desert grasslands and washes of Vigneto provide habitat for numerous "Species of Greatest Conservation Need" identified by the AzGFD.

- The USFWS was never formally consulted by Whetstone Ranch, El Dorado, or the ACE regarding the potential impacts of the development to threatened and endangered species and migratory birds. Therefore, consultation with the USFWS should be initiated. In 2014, the USFWS finalized the designation of critical habitat for the endangered jaguar. Whetstone Critical Habitat Unit 4a overlaps with Vigneto's southwestern boundary and therefore impacts to the jaguar should be analyzed and avoided, minimized and adequately mitigated for. In 2015, the USFWS proposed critical habitat for the Western Yellow-billed Cuckoo, which includes critical habitat units astride the San Pedro River, located both upstream and downstream from Vigneto. Similarly, potential impacts to critical habitat for the Southwestern Willow Flycatcher (2013) and Mexican Spotted Owl (2001) should be evaluated and avoided, minimized, and adequately mitigated for. Given that the San Pedro River Valley is a hemispheric and continentally-significant bird migration corridor, the USFWS should be consulted regarding impacts to migratory birds protected under the Migratory Bird Treaty Act.
- Part three of the three-part hydrologic study by the USGS that was planned to model water movement along the San Pedro River basin should be funded, completed and fully considered before the Vigneto development is permitted to proceed. In addition to developing a working hydro-geological model, multiple ground water pumping impact scenarios should be developed. Importantly, sufficient funding and capacity should be allocated to support long-term monitoring to track impacts on the shallow aquifer, subsurface and surface flows of the San Pedro River.
- Arizona is now in year 16 of a state declared drought emergency (PCA 99006). On top of this, the latest climate change models predict a high probability for megadroughts (multi-decadal droughts with increased temperatures) to occur in this region in the coming decades. Water is our most valuable resource in the desert, especially during times of drought. Approving this large use of limited water resources without sufficient analysis could greatly jeopardize the future availability of water to communities along the San Pedro River, including Benson itself.
- The amount of water Vigneto would pump from the shallow aquifer is estimated to be approximately 10,000 acre-feet of water per year. By comparison, in 2013 the City of Benson only pumped 833 acre-feet of water. The combined impacts of dramatically increased ground water pumping, ongoing drought, and predicted climate change-induced megadroughts should be considered carefully by the ACE, EPA, USFWS and the Benson City Council.

TAKE ACTION!

- ✓ Write the ACE to request that they re-evaluate the Section 404 permit for Vigneto, and that they initiate consultation with the USFWS to quantify potential impacts of Vigneto to threatened and endangered species and ensure commitments to adequate conservation and mitigation measures.
- ✓ Copy the EPA and the USFWS on your letter to the ACE to encourage strong EPA oversight of the Section 404 permit and USFWS consultation on impacts to threatened and endangered species.

CONTACT INFORMATION

William Miller, District Engineer, Los Angeles District, U.S. Army Corps of Engineers

E-mail: William.H.Miller@usace.army.mil

Sallie Diebolt, Chief, Arizona Branch, U.S. Army Corps of Engineers

E-mail: Sallie.Diebolt@usace.army.mil

Jason Brush, Regulatory Chief, Region IX, Environmental Protection Agency

E-mail: brush.jason@epa.gov

Scott Richardson, Supervisory Fish & Wildlife Biologist, U.S. Fish and Wildlife Service

E-mail: Scott_Richardson@fws.gov

Tucson Audubon Conservation Action Alert | <http://tucsonaudubon.org/what-we-do/conservation.html>

Lizann Michael

Ex. 6 - Personal Privacy



PHOENIX AZ 852

07 AUG 2015 PM 8:1

AUG 17 2015

The Honorable Gina McCarthy
Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code = 1101A
Washington, DC 20460



20460